

Mail Stop Interference
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Paper 1
Filed: July 7, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBERT S. SUPINSKI
Junior Party
(Application 10/007,812),

v.

ROBERT C. COHEN, RAFAIL ZUBOK, CHRISTOPHER G.
SIDEBOTHAM, and DAVID KENT DEBOER
Senior Party
(Patent 6,146,423).

Patent Interference No. 105,761 (JL)
(Technology Center 3700)

DECLARATION – Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 Part A. Declaration of interference

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue
4 application (if any), count(s) and claims designated as corresponding or as
5 not corresponding to the count(s) appear in Parts E and F of this

6 **DECLARATION.**

7 Part B. Judge managing the interference

8 Administrative Patent Judge Jameson Lee has been designated to
9 manage the interference. Bd. R. 104(a).

10 Part C. Standing order

11 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies
12 this DECLARATION. The STANDING ORDER applies to this
13 interference.

14 Part D. Initial conference call

15 A telephone conference call to discuss the interference is set for 1:00
16 p.m. on August 18, 2010 (the Board will initiate the call).

17 No later than four business days prior to the conference call, each
18 party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R.
19 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

1 A sample schedule for taking action during the motion phase appears
2 as Form 2 in the STANDING ORDER. Counsel is encouraged to discuss the
3 schedule prior to the conference call and to agree on dates for taking action.
4 A typical motion period lasts approximately eight (8) months. Counsel
5 should be prepared to justify any request for a shorter or longer period.

6 Part E. Identification and order of the parties
7

8 Junior Party

9 Named inventor: ROBERT S. SUPINSKI, Mount Morris,
10 New York
11

12 Involved Application: 10/007,812 filed November 8, 2001.

13 Title: Patella Replacement Apparatus
14

15 Assignee: None
16

17 Senior Party
18

19 Named Inventors: ROBERT C. COHEN, Rockaway Township,
20 New Jersey
21

22 RAFAIL ZUBOK, Midland Park, New Jersey
23

24 CHRISTOPHER G. SIDEBOTHAM, Randolph,
25 New Jersey
26

27 DAVID KENT DEBOER, Allendale, New Jersey
28
29

30 Involved Patent: 6,146,423 issued November 14, 2000, based on
31 application 09/239,467 filed January 28, 1999.
32

33 Title: Patella Replacement Apparatus

1 Assignee: Zimmer Trabecular Metal Technology, Inc.

2

3 The senior party is assigned exhibit numbers 1001-1999. The junior

4 party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶

5 154.2.1. The senior party is responsible for initiating settlement discussions.

6 SO ¶ 126.1.

7 Part F. Count and claims of the parties

8 Count 1

9 Supinski's Claim 1

10 or

11 Cohen's Claim 2

12 The claims of the parties which correspond to Count 1 are:

13 Supinski: 1 and 3-7

14 Cohen: 1-7

15 Count 2

16 Supinski's Claim 8

17 or

18 Cohen's Claim 8

19 The claims of the parties which correspond to Count 2 are:

20 Supinski: 8-21

21 Cohen: 8-24

1 The claims of the parties are:

2 Supinski: 1, 3-21

3 Cohen: 1-24

4 The claims of the parties which correspond to Counts 1 and 2 are:

5 Supinski: 1 and 3-21

6 Cohen: 1-24

7 The claims of the parties which do not correspond to Counts 1 and 2

8 and therefore are not involved in the interference, are:

9 Supinski: None

10 Cohen: None

11 The parties are accorded the following benefit for Counts 1 and 2:

12 Supinski: None

13 Cohen: None

1 Part G. Heading to be used on papers
2

3 The following heading must be used on all papers filed in this
4 interference, see SO ¶ 106.1.1:

5 UNITED STATES PATENT AND TRADEMARK OFFICE
6

7
8 BEFORE THE BOARD OF PATENT APPEALS
9 AND INTERFERENCES
10

11 ROBERT S. SUPINSKI

12 Junior Party
13 (Application 10/007,812),
14

15 v.

16 ROBERT C. COHEN, RAFAIL ZUBOK, CHRISTOPHER G.
17 SIDEBOTHAM, and DAVID KENT DEBOER

18 Senior Party
19 (Patent 6,146,423).
20

21 Patent Interference No. 105,761 (JL)
22 (Technology Center 3700)
23

1 Part H. Order form for requesting file copies

2

3 When requesting copies of files, use of SO Form 4 will greatly

4 expedite processing of the request. Please attach a copy of Parts E and F of

5 this DECLARATION with a hand-drawn circle around the patents and

6 applications for which a copy of a file wrapper is requested.

7

8

9

/ss/ Jameson Lee

Administrative Patent Judge

Enc:

Copy of STANDING ORDER

Revised 3 January 2006

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